

### REMARKS

Claims 1-23 currently remain in the application. The preamble of claim 1 has been amended. Applicant respectfully requests reconsideration in view of the preceding amendments and following remarks.

#### In the Claims

The claim preamble for claim 1 has been amended to correct a typographical error. No new matter has been added.

#### Rejection under 35 U.S.C. § 102

Claims 1-7, 9-14 and 17-21 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,640,388 to Woodhead et al. (referred to herein as 'Woodhead'). Applicants respectfully traverse.

Woodhead describes a system where jitter is introduced during transmission in a network between a transmission site and a reception site. An intermediate site between these two removes any jitter. Specifically, Woodhead notes that packets "arrive at a destination 'jittered' with respect to their PCRs" and that "the PCRs no longer accurately reflect the timebase of a Program" (see col. 6 lines 4-13). He thus sees a need to remove jitter and correct timestamp values received in a network (see col. 6 lines 14-18) before the reception site receives the packets and their transmission-faulty timestamps. Correspondingly, Woodhead invents a system that corrects (see col. 7 lines 55-60 as to how he corrects) corrupted timestamps (see col. 7 lines 19-21) received from a network. Col. 9, lines 1-5 explicitly states that "PCR values carried in the Transport Packets must be corrected". FIG. 5 clearly shows incoming jittered timestamps.

Independent claim 1 recites a limitation: "a processing apparatus configured to ... **create a timestamp including timing information that describes the timing relationship of the data as the data was received**". Thus, the present invention uses the timing relationship of the data as the data was received at the first communication interface. The created timestamp is then transmitted onto a channel.

Woodhead repeatedly asserts that a network introduces jitter and a clear need to remove jitter that is in a packet when it is received. Thus, he certainly does not "create a timestamp

including timing information that describes the timing relationship of the data as the data was received" as recited. And he certainly does not re-transmit a timestamp with such information: Woodhead clearly opposes keeping or propagating timing information as it is received.

The Office Action dated August 23 uses col. 9 lines 33-36 of Woodhead to reject this limitation (see page 3 of the Office Action). However, this portion of Woodhead discusses the introduction of jitter in non-MPEG networks. The propagation of network error during a non-MPEG network transmission does not teach creating a timestamp as recited. The Office Action also points to col. 5 lines 20-21, which briefly describes the role of timestamps in a transmission scheme, which also does not anticipate the above quoted limitation or independent claim 1.

Independent claims 9, 20 and 22 include similar limitations to independent claim 1 and are patentable for at least the reasons described above.

Therefore, Applicants respectfully submit that Woodhead does not teach all limitations in the independent claims and that the independent claims are allowable.

Claims 2-7 and 10-14, 17-19, 21 and 23 each depend either directly or indirectly from independent claims 1, 9, 20 and 22 and are patentable over the art of record for at least the reasons set forth above with respect to the independent claims.

Withdrawal of the rejection under 35 U.S.C. § 102(e) is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 2 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhead in view of US Patent No. 6,002,687 to Magee (referred to herein as 'Magee').

Claims 8, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhead in view of US Patent No. 6,323,789 to Lawrence et al. (referred to herein as 'Lawrence').

Applicants dispute the use of Woodhead in any obviousness-type rejection of the claims since, per the MPEP, this would oppose the rules for applying a reference via an obviousness rejection. Woodhead teaches against the present invention. Woodhead repeatedly teaches a need to eliminate jitter and timing relationships in faulty timestamps that are received by his intermediate transmission sites. The present invention, however, preserves timing relationships as received by a network device and creates timestamps using the timing relationship of data as the data was received. Oppositely, Woodhead repeatedly asserts that the intermediate site must

remove jitter and corrupted timestamps as received by an intermediate site. Per MPEP 2141.02, "A Reference Must be Taken in its Entirety, Including Those Portions that Teach Away from the Claims and Argue Against Obviousness". The claims cannot be held as obvious relative to Woodhead when the goal of his invention is undoubtedly elimination of timing information as received.

In addition, claims 2, 8, 15, 16 and 23 each depend either directly or indirectly from independent claims 1, 9 and 22 and are patentable over the art of record for at least the reasons set forth above with respect to the independent claims.

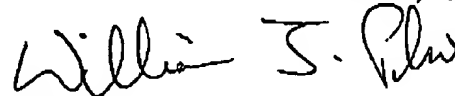
Withdrawal of the rejections of under 35 U.S.C. § 103(a) is therefore respectfully requested.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISC210).

Respectfully submitted,

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